

**REMARKS**

Claims 1, 3-11, 17-29, 35-48, 50-61, 65-67, 70-76, 94-102, 104, 106, 108, 110, 112, 115-117 are pending in the present application.

With entry of this Amendment, Applicants cancel claims 10, 11, 20, 28, 29, 35, 36, 38, 46-48, 50-61, 75, 76, 94-102, 104, 106, 108, 110 and 112. These claims were directed to Group II of the restriction requirement and were previously withdrawn. Applicants have canceled these claims without prejudice.

Of the pending claims currently being examined, Applicants hereby amend claims 1, 4, 6, 19, 22, 24, 37, 40, 42, 65, 67, 70 and 73 and cancel without prejudice claims 5, 23, 41, 72, 115 and 116. Reexamination and reconsideration are respectfully requested.

Claims 1, 5, 7-9, 17 and 18

The Examiner rejected claims 1, 5, 7-9, 17 and 18 under 35 U.S.C. § 103(a) based on Katz et al. (U.S. Patent No. 5,926,624) in view of Tanaka et al. (U.S. Patent No. 7,113,927). The rejection is respectfully traversed.

The present invention, as set forth in claim 1, is directed to a content distribution system comprising a distribution server, a client terminal and a portable terminal. The system allows a user of the client terminal to request the distribution server to distribute a trial content item to the client terminal for reproduction and a regular content item (such as a full version of the trial content item) to a portable terminal. The portable terminal is designated by the user through an input screen based on input screen data transmitted from the distribution server to the client terminal upon the request for distribution of the regular content item. The distribution server then distributes the regular content item to the designated portable terminal.

The ability to request and distribute a trial content item and a regular content item to two different devices, *i.e.*, the client terminal and a designated portable terminal, provides a number of advantages. For example, if the content item is an incoming call melody for a mobile telephone, the

present invention allows the user to listen to different melodies on his computer without incurring any usage charges on a mobile telephone. He can then request with his computer that a selected melody be directly downloaded to a mobile telephone of his choice.

Amended claim 1 recites that the client terminal comprises “trial content request means for transmitting said first request to request said distribution server to distribute said trial content item to said client terminal” and that the distribution server comprises “trial content distribution means for distributing, in response to said first request from said client terminal, said trial content item to said client terminal.” Amended claim 1 also recites that the client terminal comprises “regular content request means for transmitting said second request to request said distribution server to distribute said regular content item” and that the distribution server comprises “second request receiving means for receiving a second request from said client terminal, the second request for requesting said distribution server to distribute a regular content item.”

Claim 1 has been further amended to clarify that, upon receiving a request for the distribution of the regular content item, the distribution server transmits input screen data to allow the client terminal to specify the portable terminal to which the regular content is to be distributed. Specifically, amended claim 1 recites “input screen data transmitting means for transmitting an input screen data to said client terminal, said input screen data being for inputting, by use of the client terminal, destination information which specifies said portable terminal to which said regular content item is desired to be distributed,” “destination information receiving means for receiving said destination information from said client terminal” and “regular content distribution means for distributing in response to said second request from said client terminal, said regular content item to said portable terminal which is specified by said destination information.” Support for these amendments relating to designating the portable terminal can be found throughout the specification and drawings including, without limitation, page 38, line 18 to page 40, line 7 and Fig. 4 beginning at step S428. Other amendments have been made to claim 1 consistent with these amendments, such as that the client terminal displays an input screen based on the received input screen data.

Katz discloses two basic systems. The first system is illustrated in Fig. 2. The network includes a library server 260, a client computer 214 and a mobile playback device 212. Katz discloses that the user can browse the library and download content to client computer 214 for subsequent delivery to mobile playback device 212. (*See, e.g.*, Col. 8, line 65 to Col. 9, line 6.) Under this arrangement, the library server 260 never delivers any content directly to the mobile playback device 212. All the downloaded content is first received by the client computer 214. Thus, the system of Fig. 2 does not disclose a server distributing a trial content item to a client terminal and a regular content item to a portable terminal as claimed in claim 1. As a result, it clearly does not disclose a server, upon receiving a request to distribute a regular content item, transmitting input screen data for designating a portable terminal to receive the regular content item as also claimed in claim 1.

The same conclusion applies to a similar arrangement in Fig. 9 of Katz relating to a kiosk. (*See* Col. 17, line 59 to Col. 18, line 18.)

The second system in Katz is illustrated in Fig. 8. The mobile playback device 212 is directly connected to the library server 260 in this system. (*See also* Col. 16, lines 63 to Col. 17, line 40.) In other words, the library server never delivers any content to a client computer 214 as that has been eliminated altogether. Thus, like the system of Fig. 2, the system of Fig. 8 fails to disclose a server distributing a trial content item to a client terminal and a regular content item to a portable terminal as well as a server, upon receiving a request to distribute a regular content item, transmitting input screen data to the client terminal for designating a portable terminal to receive the regular content item.

In short, the two basic systems of Katz fail to disclose the recited system of claim 1.

In referring to Fig. 8, Katz notes: “Alternatively, a client system 814 is coupled to network 240 may be provided to support client browser 219 and thereby enable selection of items of digital information for download and playback from library server 260 directly to any of the mobile playback devices 212.” (Col. 17, lines 30-34; *see also* Col. 17, lines 34-40.) This brief description also fails to disclose the recited system of claim 1.

First, while it is clear that a mobile playback device can directly receive content from the library server 260, there is no disclosure in the brief description of whether the *client system 814* can receive a *trial content item*. Second, even assuming that the client system 814 can receive a trial content item, there is no disclosure of the library server, upon receiving a request to distribute a content item, transmitting input screen data to the client system 814 for the client system to designate, through an input screen, the mobile playback device to receive the content. The brief description does not provide any such disclosure. Furthermore, in the context of other systems (such as Fig. 2), Katz merely describes a computer system 214 sending public player IDs to the library server 260 to target a particular device 212. (*See, e.g.*, Col. 13, lines 12-58.).

Applicants respectfully submit that Tanaka does not make up for the deficiencies of Katz as described above. Tanaka is also directed to a data distribution system. A user of portable terminal can obtain content from a communication network through a kiosk (Fig. 1), a computer (Fig. 8) or even another portable terminal (Fig. 9A). However, like Katz, Tanaka fails to disclose a server distributing a trial content item to a client terminal and a regular content item to a portable terminal as well as a server, upon receiving a request to distribute a regular content item, transmitting input screen data to the client terminal for designating a portable terminal to receive the regular content item.

Accordingly, Applicants respectfully submit that claim 1 is patentable over Katz and Tanaka. Dependent claim 5 has been canceled and dependent claims 7-9, 17 and 18 are patentable over Katz and Tanaka for at least the reasons set forth above.

#### Claims 3, 4 and 6

Claims 3, 4 and 6 depend from claim 1. The Examiner rejected these claims under § 103(a) based on Katz and Dodd (U.S. Patent No. 6,633,849 B1). It is believed that the rejection should be Katz *and* Tanaka in view of Dodd in view of their dependency from claim 1. Applicants have amended claims 4 and 6 to better claim the invention.

Applicants respectfully submit that Dodd does not make up for the deficiencies of Katz and Tanaka. That is, Dodd fails to disclose fails a server distributing a trial content item to a client terminal and a regular content item to a portable terminal as well as a server, upon receiving a request to distribute a regular content item, transmitting input screen data to the client terminal for designating, through an input screen, a portable terminal to receive the regular content item.

Dodd is directed to a system that allows a gift giver to send an online gift to a recipient. The gift giver first establishes a connection with computer 310 to a gift server node 330 as illustrated in Figs. 3 and 4. The user then makes a selection of a gift and provides the recipient's e-mail address in a recipient field on the computer's window. (*See* Col. 4, lines 33-51 and recipient field 128 in window 100 of Fig. 1A.) The recipient then receives e-mail notification of the gift. He can decide to accept the gift, exchange it or forward it prior to the gift being actually shipped. (*See, e.g.,* Col. 2, lines 3-8.)

There is no disclosure in Dodd of a server distributing a trial content item to a client terminal and a regular content item to a portable terminal. Instead, the gift server node 330 just sends gift information selected by the gift giver to a recipient.

Moreover, there is no disclosure that the server, upon receiving a request for distributing a regular content item, transmits input screen data to the client terminal to designate, through an input screen, a portable terminal to receive the regular content item. Dodd simply has a dedicated recipient field 128 in window 100 as illustrated in Fig. 1A consistent with its one-way transmission of information. In contrast, the system of claim 1 contemplates the distribution of content to a client terminal as well as a portable terminal and, thus, the server transmits input screen data for designating a portable terminal upon a request made by the client terminal to distribute a regular content item. In this way, the system of claim 1 demands designation information as needed and not when the user is, for example, listening to trial melodies on his computer.

Accordingly, Applicants respectfully submit that claims 3, 4 and 6 are patentable over Katz, Tanaka and Dodd.

Claims 19 and 23-27

The Examiner rejected claims 19 and 23-27 under § 103(a) based on Katz in view of Tanaka. The rejection is respectfully traversed.

Claim 19 is directed to a content distributed method used by a distribution server. Claim 19 has been amended to recite “receiving a first request from said client terminal, the first request for requesting said distribution server to distribute a trial content item,” “distributing, in response to said first request from said client terminal, the trial content item to said client terminal,” “receiving a second request from said client terminal, the second request being for requesting said distribution server to distribute a regular content item,” “transmitting an input screen data to said client terminal, said input screen data being for inputting, by use of the client terminal, destination information which specifies said portable terminal to which said regular content item is desired to be distributed,” “receiving said destination information from said client terminal” and “distributing, in response to said second request from said client terminal, the regular content item to said portable terminal which is specified by said destination information.”

Applicants respectfully submit that claim 19 is patentable over Katz and Tanaka for the reasons as set forth above with respect to claim 1.

Dependent claim 23 has been canceled and dependent claim 24 has been amended, including changing its dependency from claim 23 to claim 22. Applicants respectfully submit that claims 24-27 are patentable over Katz and Tanaka for at least the reasons set forth above.

Claims 21 and 22

Claims 21 and 22 depend from claim 19 and are similar to claims 3 and 4. The Examiner rejected these claims under § 103(a) based on Katz, Tanaka and Dodd as understood. The rejection is respectfully traversed.

Applicants have amended claim 22 to better claim the invention. Applicants respectfully submit that claims 21 and 22 are patentable over Katz, Tanaka and Dodd for at least the reasons set forth above with respect to claims 3, 4 and 19.

Claims 37, 41 and 43-45

The Examiner rejected claims 37, 41 and 43-45 under § 103(a) based on Katz in view of Tanaka. The rejection is respectfully traversed.

Claim 37 is directed to a distribution server. Claim 37 has been amended to recite: "first request receiving means for receiving a first request from said client terminal, the first request being for requesting said distribution server to distribute a trial content item to said client terminal," "first distribution means for distributing, in response to said first request from said client terminal, said trial content item to said client terminal," "second request receiving means for receiving a second request from said client terminal, the second request being for requesting said distribution server to distribute a regular content item," "input screen data transmitting means for transmitting an input screen data to said client terminal, said input screen data being for inputting, by use of the client terminal, destination information which specifies said portable terminal to which said regular content item is desired to be distributed," "destination information receiving means for receiving said destination information from said client terminal," and "second distribution means for distributing, in response to said second request from said client terminal, the regular content item to said portable terminal which is specified by said destination information."

Applicants respectfully submit that claim 37 is patentable over Katz and Tanaka for the reasons as set forth above with respect to claim 1.

Dependent claim 41 has been canceled. Applicants respectfully submit that dependent claims 43-45 are patentable over Katz and Tanaka for at least the reasons set forth above.

Claims 39, 40 and 42

Claims 39, 40 and 42 depend from claim 19 and are similar to claims 3, 4 and 6. The Examiner rejected these claims under § 103(a) based on Katz, Tanaka and Dodd as understood. The rejection is respectfully traversed.

Applicants have amended claim 40 and 42 to better claim the invention. Applicants respectfully submit that claims 39, 40 and 42 are patentable over Katz, Tanaka and Dodd for at least the reasons set forth above with respect to claims 3, 4, 6 and 37.

Claim 65

The Examiner rejected claim 65 under § 103(a) based on Katz in view of Tanaka. The rejection is respectfully traversed.

Claim 65 is directed to a portable terminal capable of communicating with a distribution server. Claim 65 has been amended to recite a “regular content item receiving means for receiving a regular content item distributed from said distribution server on the basis of a request from a client terminal for requesting said distribution server to distribute the regular content item, the request being transmitted from said client terminal to said distribution server after said client terminal receives a trial content item distributed from said distribution server, said portable terminal to which the regular content item is distributed from the distribution server being specified by destination information which is transmitted from the client terminal to said distribution server on the basis of input screen data transmitted from the distribution server to the client terminal upon a request to distribute said regular content item.” This amendment clarifies the environment in which the portable terminal is designated and operates.

As discussed above with respect to claim 1, neither Katz nor Tanaka discloses a portable terminal that receives a regular content item from a distribution server where the portable terminal has been designated by the transmission of input screen data from the distribution server to the client



terminal upon a request to distribute the regular content item. Accordingly, Applicants respectfully submit that claim 65 is patentable over Katz and Tanaka.

Claims 66 and 67

Claims 66 and 67 depend from claim 65. The Examiner rejected these claims under § 103(a) based on Katz, Tanaka and Dodd as understood. The rejection is respectfully traversed.

Applicants have amended claim 67 to better claim the invention. Applicants respectfully submit that claims 39, 40 and 42 are patentable over Katz, Tanaka and Dodd, because Dodd does not make up for the deficiencies of Katz and Tanaka. As discussed above with respect to claims 3, 4 and 6, Dodd does not disclose a portable terminal that receives a regular content item from a distribution server where the portable terminal has been designated by the transmission of input screen data from the distribution server to the client terminal upon a request to distribute the regular content item.

Accordingly, Applicants respectfully submit that claims 66 and 67 are patentable over Katz and Tanaka.

Claims 70, 72-74 and 115-117

The Examiner rejected claims 70, 72-74 and 115-117 under § 103(a) based on Katz in view of Tanaka. The rejection is respectfully traversed.

Claim 70 is directed to a “A computer-readable recording medium recording a program applied to a client terminal capable of communicating with a distribution server.” As amended, claim 70 recites that the program comprises the steps of: “transmitting a first request which is for requesting said distribution server to distribute a trial content item to said client terminal,” “receiving said trial content item distributed from said distribution server,” “reproducing said received trial content item,” “transmitting a second request which is for requesting said distribution server to distribute a regular content item to a portable terminal having content reproducing means,”

“receiving an input screen data transmitted from said distribution server in response to said second request, said input screen data being for inputting, by use of the client terminal, destination information which specifies said portable terminal to which said regular content item is desired to be distributed,” “displaying an input screen based on said received input screen data” and “transmitting said destination information inputted by use of said input screen to said distribution server.”

Applicants respectfully submit that claim 70 is patentable over Katz and Tanaka for the similar reasons as set forth above with respect to claim 1. Neither Katz nor Tanaka discloses a medium recording a program applied to a client terminal that allows a client terminal to request and receive a trial content item from a server, to request a regular content item to be distributed to a portable terminal from the server, to receive, upon the request relating to the regular content item, input screen data from the server, to display an input screen based on the data and to transmit destination information inputted through the input screen.

Dependent claims 72, 115 and 116 has been canceled. Applicants respectfully submit that dependent claims 74 and 117 are patentable over Katz and Tanaka for at least the reasons set forth above.

### Claim 73

Claim 73 depends from claim 70 and is similar to claim 4. The Examiner rejected this claims under § 103(a) based on Katz, Tanaka and Dodd as understood. The rejection is respectfully traversed.

Applicants have amended claim 73 to better claim the invention. Applicants respectfully submit that claim 73 patentable over Katz, Tanaka and Dodd for at least the reasons set forth above with respect to claims 4 and 70.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032025900.

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Respectfully submitted,

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